

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

July 30, 2019
BCO-101

No. 19-8029

JOHN J. CUNNINGHAM; DAVID CIUFFETELLI;
BENJAMIN DIDONATO; JOHN RUCKI, JR.

v.

FILED

AUG 13 2019

By KATE BARKMAN, Clerk
Dep. Clerk

WAWA, INC.; RETIREMENT PLANS COMMITTEE OF WAWA, INC.; JARED G.
CULOTTA; MICHAEL J. ECKHARDT; JAMES MOREY; CATHERINE PULOS;
HOWARD B. STOECKEL; DOROTHY SWARTZ; RICHARD D. WOOD, JR.; KEVIN
WIGGINS; CHRISTOPHER D. WRIGHT

WAWA, INC. EMPLOYEE STOCK OWNERSHIP PLAN, Nominal Defendant

Wawa, Inc.; Retirement Plans Committee of Wawa, Inc.; Jared G. Culotta;
Michael J. Eckhardt; James Morey; Catherine Pulos; Howard B. Stoeckel;
Dorothy Swartz; Richard D. Wood, Jr.; Kevin Wiggins; Christoper D. Wright,
Petitioners

(E.D. Pa. No. 2-18-cv-03355)

Present: AMBRO, KRAUSE and PORTER, Circuit Judges

1. Petition for Leave to Appeal the July 2, 2019 order granting class certification pursuant to Fed. R. Civ. P. 23(f);
2. Response by Respondents in Opposition;
3. Motion for leave to file a Reply to Response in Opposition to Petition for Leave to Appeal Pursuant to Fed. R. Civ. P. 23(f);
4. Response filed by Respondents David Ciuffetelli, John J. Cunningham, Benjamin Didonato and John Rucki, Jr. to motion to file response/reply.

Respectfully,

Clerk/CJG

ORDER

The foregoing Petition for Leave to Appeal Pursuant to Fed. R. Civ. P. 23 (f) is granted. The Motion for Leave to File a Reply to Response in Opposition to Petition for Leave to Appeal Pursuant to Fed. R. Civ. P. 23 (f) and Response to motion to file response/reply is denied as moot.

By the Court,

s/ David J. Porter
Circuit Judge

Dated: August 13, 2019
Lmr/cc: Gary L. Azorsky
Robert J. Barton
Richard E. Donahoo
Colin M. Downes
Daniel Feinberg
Raymond M. Sarola
Nina Wasow
Michael E. Kenneally
Brian T. Ortelere
Christopher M. Varano



Patricia S. Dodszuweit

Patricia S. Dodszuweit, Clerk